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In the Supreme Court of the United States

OCTOBER TERM, 1971

BILL RAY GRIMES, JERE BEDFORD JORDAN AND JESSIE JEWELL JORDAN, PETITIONERS

v.

UNITED STATES OF AMERICA

LAWRENCE LEE GUINN, JR., PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITIONS FOR WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ERWIN N. GRISWOLD,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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After a jury trial in the United States District Court for the Southern District of Texas, petitioners were convicted of having traveled interstate to carry

on an illicit gambling enterprise, in violation of 18 U.S.C. 1952, and of having conspired to commit that offense (18 U.S.C. 371).[1] The court of appeals affirmed in a lengthy opinion after placing the case on the calendar for decision without oral argument under local Rule 18 (Pet. App. (No. 1277) A).

Petitioners' various contentions on the merits are fully answered in the opinion below, on which we rely. The claim that the Fifth Circuit's Rule 18 constitutes a denial of the right to assistance of counsel has not been accepted. See, *e.g. Hoyt and Bowman* v. *United States*, Nos. 71-5907 and 71-5952, this Term, certiorari denied, March 20, 1972; see also *United States* v. *Baber*, 447 F.2d 1267, 1270-1271 (C.A. D.C.), certiorari denied, 404 U.S. 957.

It is therefore respectfully submitted that the petitions for writs of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

May 1972.

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[1] Petitioner Jessie Jewell Jordan was convicted only of conspiracy.

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